

April 21, 2016

VIA EMAIL

Honorable Lynn Adelman
U.S. District Court - Eastern District
517 E. Wisconsin Avenue
Milwaukee, WI 53202

**Re: Love v. Medical College, et al.
U.S.E.D. Case No. 15-CV-650**

Dear Judge Adelman:

We write briefly in response to Mr. Ruberry's April 19, 2016 letter to the Court regarding redaction pursuant to HIPAA.

Plaintiff fails to address Defendants' position that more than the information listed on 45 C.F.R. § 164.514(b)(2)(i) must be redacted.¹ It is critical to keep in mind that the surgeries discussed within the complaint are rare. Moreover, in addition to physician names, patient ages and genders, and treatment locations, extensive detail about each surgery is provided in the complaint, including specific details of the surgeries themselves, specific details of any complications, and specific details of the patients' resulting health. Accordingly, there is a reasonable basis to believe that the patient information contained in the complaint and proposed redacted complaint, in totality, could be used to identify the individual patients. For example, paragraphs 57 to 61 discuss several patients in the context of several organ transplant surgeries. There is a reasonable basis to believe that a relative of any of the patients, or other individuals, could review paragraphs 57 to 61 and identify one of the patients. Further redaction is warranted pursuant to HIPAA.

We remain available to discuss this matter with the Court and the other parties by telephone conference.

¹ As Froedtert notes, this information may also qualify as "unique characteristics" that must be redacted under 45 C.F.R. § 164.514(b)(2)(i)(R).

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Thank you for your consideration of the foregoing.

Very truly yours,

HINSHAW & CULBERTSON LLP



Michael P. Malone

MPM:lam

cc: Edward F. Ruberry [via e-mail]
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